

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1359877-0

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(01/26/1998)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/17/1999

To: Information Resources

Attn: Dennis R. Weaver, Chief
Information Management Section

From: Office of the General Counsel

Civil Discovery Review Unit (CDRU), Room 5448

Contact: PLS Alison A. Mústapich, Ext 3556

Approved By: Kelley Thomas A *xth*

Cignoli Paul C Jr *PC*

Healy Nancy A *MNH*

Drafted By: Beers Elizabeth Rae:erb

Case ID #: 66F-HQ-A1211968 - 95

Title: FINDINGS OF THE OFFICE OF THE INSPECTOR
GENERAL (OIG) DEPARTMENT OF JUSTICE,
CRITICAL OF FORENSIC WORK PERFORMED
BY CERTAIN LAB EXAMINERS

Synopsis: To place this document on record in the Task Force control file and to place a copy on the top serial in every investigative file containing forensic work performed by any of the thirteen Laboratory Examiners whose scientific work was criticized by the OIG.

Reference: 66F-HQ-A1211968 Serial 82

Details: BE ADVISED, one or more of the Laboratory Examiners who performed scientific analysis in this investigation was criticized in the OIG's report issued on April 15, 1997. The OIG conducted a thorough review of allegations of wrongdoing and improper practices within certain sections of the FBI Laboratory. It issued a report which, among other findings, was critical of the scientific work performed by thirteen individual examiners assigned to the Lab. The allegations and criticisms concerning these individuals varies greatly and in some instances is case specific.

If the forensic work contained in this file is used in any way in the future, both the OIG's findings and the forensic analysis of the examiners should be reviewed. In addition, legal advice should be obtained as to the FBI's disclosure obligations.

The criticized examiners are, in alphabetical order:
(1) Richard Hahn, (2) Robert Heckman, (3) Wallace Higgins,

UPLOADED ON
DATE: 5/19/98
BY: [redacted]

Permanent Top Serial

To: Informatic Resources From: Office of the General Counsel
Re: 66F-HQ-A1211968, 05/07/1999

(4) Alan Jordan, (5) Lynn Lasswell, (6) Michael Malone, (7) Roger Martz, (8) J. Christopher Ronay, (9) Terry Rudolph, (10) J. Thomas Thurman, (11) Robert Webb, (12) Frederic Whitehurst, and (13) David Williams.

To: Informatic Resources From: Office of the General Counsel
Re: 66F-HQ-A1211968, 05/07/1999

LEAD (s):

Set Lead 1: (Adm)

ALL RECEIVING OFFICES

Mark and place this communication as the Permanent Top Serial of each section of each investigative file identified for inclusion in the FBI Laboratory Review Project.

CC: 1 - Dr. D. M. Kerr, Room 3090
1 - T. A. Kelley, Room 7427
1 - Mr. R. W. Sibert, Room 3268
1 - Mrs. R. M. Contreras, Room 3437
1 - Mrs. D. A. O'Clair, Room 4913
1 - Ms. N. B. Hardy, Room 10790
1 - Ms. N. A. Healy, Room 7927
1 - Ms. E. R. Beers, Room 7927
1 - Mrs. M. E. Layton, Room 5448
1 - Ms. A. A. Mustapich, Room 5448
1 - Mrs. M. A. Bookstein, Room 5448

♦♦

May 9, 1997

MEMORANDUM TO THE FILE

FROM: *JM* James M. Maddock
Deputy General Counsel

SUBJECT: FINDINGS OF THE DEPARTMENT OF JUSTICE OFFICE OF THE
INSPECTOR GENERAL REGARDING FORENSIC WORK PERFORMED
BY TERRY RUDOLPH

The purpose of this memorandum is to commemorate, in all relevant case files, certain findings made by the Department of Justice Office of the Inspector General (OIG) regarding forensic work performed by former Special Agent Terry Rudolph. The OIG's findings were issued in connection with a broader investigation of three units in the FBI Laboratory: the Explosives Unit, the Materials Analysis Unit, and the Chemistry-Toxicology Unit.

The OIG reviewed Rudolph's work in the Psinakis case, as well as several other matters. Based on that review, the OIG criticized Rudolph strongly, and reached the following conclusions:

- Rudolph failed to conduct appropriate scientific analyses or to adequately document his work in a substantial number of cases;
- Rudolph did not perform his work as an examiner in a manner that would withstand peer review or judicial scrutiny; and
- Rudolph's "lack of competence" was not isolated to one case.

Based on these findings, the OIG specifically recommended that a notation regarding its findings with respect to Rudolph be placed in each case file in which Rudolph was the principal or auxiliary examiner. If the forensic work performed by Rudolph in this case is used in any way in the future, both the OIG's findings and Rudolph's forensic analysis should be reviewed. In addition, legal advice should be obtained as to the FBI's disclosure obligations.

1 - Mr. Esposito	1 - Ms. Kalisch
1 - Mr. Thompson	1 - Ms. Minnefor
1 - Mr. Maddock	1 - Ms. Bookstein
1 - Dr. Murch	1 - ALU Tickler
1 - Mr. J. Miller	

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FM FBI NEW YORK [redacted] (185-1009) (P) [redacted]

TO DIRECTOR FBI PRIORITY

ATTN: FBI LABORATORY/EXPLOSIVES SECTION; FIREARMS SECTION;

ATTN: NEUTRON ACTIVATION UNIT; DOCUMENTS SECTION; AND

ATTN: IDENTIFICATION DIVISION, LATENT FINGERPRINTS SECTION

FBI MIAMI PRIORITY

FBI NEWARK PRIORITY

FBI WASHINGTON FIELD PRIORITY

FBI SAN JUAN PRIORITY

BT

UNCLAS E F T O

OMEGA 7: MAJOR CASE 39; [redacted]

OMEGA 7: (OO:NEW [redacted])

YORK)

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GARMUR; PFO-MURDER; (OO:NEW YORK)

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PAGE TWO DE NY 0168 UNCLAS E F T O

FOR THE INFORMATION OF FBI LABORATORY PERSONNEL AND LATENT

FINGERPRINT PERSONNEL, OMEGA 7 SUBJECTS [REDACTED]

[REDACTED] WERE INDICTED SEPTEMBER 9, 1985, IN THE
SOUTHERN DISTRICT OF NEW YORK (SDNY) RELATIVE TO FIRST DEGREE MURDER
CHARGES SURROUNDING THE GARMUR INCIDENT, IN ADDITION TO CONSPIRACY
TO MURDER [REDACTED] IN NEW YORK IN MARCH, 1980, AND
INDICTMENT INCLUDES NUMEROUS BOMBINGS IN NEW YORK WHICH OCCURRED
SINCE 1975. AS LABORATORY PERSONNEL ARE AWARE, [REDACTED]
[REDACTED]

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FOR THE INFORMATION OF RECEIVING OFFICES, IT IS ANTICIPATED

THAT THE ONGOING PROBLEM WITH ATTORNEY REPRESENTATIONS OF THE THREE
SUBJECTS WILL BE RESOLVED THIS FRIDAY, NOVEMBER 22, 1985. [REDACTED]

[REDACTED] HAVE BEEN APPOINTED COUNSEL BY THE COURT AND [REDACTED]
IS CURRENTLY IN A CONFLICT OF INTEREST SITUATION WHICH WILL PROBABLY
BE RESOLVED FRIDAY.

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PAGE THREE DE NY 0168 UNCLAS E F T O

FOR THE INFORMATION OF MIAMI DIVISION, ATTORNEYS FOR [REDACTED]

[REDACTED] HAVE NOW REQUESTED ITEMS RELATIVE TO DISCOVERY AND ACCESS TO ANY AND ALL EVIDENCE THAT THE GOVERNMENT INTENDS TO USE, INCLUDING THE EVIDENCE IN MIAMI OF WHICH BELONGS TO [REDACTED] AND WHICH WAS UTILIZED IN THE TRIAL THERE.

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DISCOVERY IS NOW BEGINNING IN NEW YORK AND IT IS REQUESTED THAT MIAMI MAKE APPROPRIATE ARRANGEMENTS TO HAVE EVIDENCE THERE, WHICH HAS BEEN DISCUSSED WITH MIAMI DIVISION, FORWARDED TO NEW YORK AT THE EARLIEST POSSIBLE DATE.

RECEIVING OFFICES WILL BE ADVISED AS TO WHEN THE TRIAL DATE IS SET; HOWEVER IT IS NOTED THAT TRIAL WILL PROBABLY NOT COMMENCE UNTIL THE LATTER PART OF JANUARY, 1986.

FOR THE INFORMATION OF FBI LABORATORY AND LATENT FINGERPRINT PERSONNEL, IT IS ANTICIPATED THE FOLLOWING INDIVIDUALS WILL BE NEEDED TO TESTIFY IN NEW YORK AT CAPTIONED TRIAL:

PAGE FOUR DE NY 0168 UNCLAS E F T O

SA [REDACTED] EXPLOSIVES SECTION

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SAS [REDACTED] FIREARMS SECTION

SA [REDACTED] NEUTRON ACTIVATION UNIT

LATENT FINGERPRINT EXAMINER [REDACTED]

SA [REDACTED] DOCUMENTS SECTION

LABORATORY AND IDENTIFICATION DIVISION ARE REQUESTED TO PROVIDE CONTENTS OF THIS TELETYPE TO RESPECTIVE LABORATORY PERSONNEL AND NEW YORK WILL ADVISE AT A LATER DATE AS TO EXACT TRIAL DATE AND WHEN LABORATORY PERSONNEL WILL BE NEEDED AT NEW YORK FOR PRE-TRIAL INTERVIEWS WITH PROSECUTOR.

MIAMI DIVISION REQUESTED TO ARRANGE TRANSPORT OF EVIDENCE WHICH WILL BE DISCUSSED TELEPHONICALLY WITH YOUR DIVISION THIS WEEK.

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FEDERAL BUREAU
OF INVESTIGATION

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FM FBI NEW YORK [redacted]

TO DIRECTOR FBI PRIORITY

FBI LOS ANGELES PRIORITY

FBI MIAMI PRIORITY

FBI NEWARK PRIORITY

FBI CHICAGO ROUTINE

FBI SAN JUAN ROUTINE

FBI WASHINGTON FIELD ROUTINE

BT

UNCLAS E F T O

OMEGA 7; MAJOR CASE 39; [redacted]

OMEGA 7; (OO:NEW [redacted]

YORK).

GARMUR; PFO-MURDER; (OO:NEW YORK).

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PAGE TWO DE NY 0132 UNCLAS E F T O

REFERENCE IS MADE TO RECENT TELEPHONIC DISCUSSION WITH SANTA MARIA RESIDENT AGENCY, CALIFORNIA.

FOR THE INFORMATION OF BUREAU AND RECEIVING DIVISIONS, THE UNITED STATES (US) CIRCUIT COURT OF APPEALS, 2ND CIRCUIT, NEW YORK (NY), NY, HAS AFFIRMED ALL AREAS OF CONVICTION RELATIVE TO SUBJECT [REDACTED] WAS CONVICTED OF 25 SEPARATE COUNTS OF A 26-COUNT INDICTMENT IN NY, COVERING FIRST DEGREE MURDER OF A DIPLOMAT, CONSPIRACY TO MURDER A DIPLOMAT, RICO CHARGES, AND NUMEROUS BOMBINGS.

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AS PREVIOUSLY ADVISED BY NY, FOR THE INFORMATION SPECIFICALLY OF SANTA MARIA RESIDENT AGENCY, LOS ANGELES DIVISION, [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED] AS LOS ANGELES DIVISION IS AWARE, [REDACTED] WILL BE BROUGHT BACK TO NY IN AN ATTEMPT TO HAVE HIM [REDACTED] AND OTHERS WHOSE TRIAL WILL COMMENCE DURING THE EARLY PART OF 1986.

PAGE THREE DE NY 0132 UNCLAS E F T O

IN RECENT CONVERSATIONS WITH SANTA MARIA RESIDENT AGENCY, IT
HAS BEEN DETERMINED THAT [REDACTED]

[REDACTED] AND LOS ANGELES
DIVISION IS REQUESTED TO OBTAIN APPROPRIATE COPIES AND EXPEDITIOUSLY
FORWARD TO NEW YORK FOR ANALYZATION.

A HEARING WILL BE HELD IN NY DECEMBER 6, 1985, RELATIVE TO THE
ONGOING PROBLEMS SURROUNDING WHAT ATTORNEYS WILL REPRESENT THE
DEFENDANTS IN THE UPCOMING TRIAL.

PERTINENT RESULTS WILL BE REPORTED AS THEY OCCUR.

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TRANSMIT VIA:

- Teletype
- Facsimile
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PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 12/5/85

TO: DIRECTOR, FBI

FROM: DADIC, NEW YORK [redacted] 

SUBJECT: OMEGA SEVEN; MAJOR CASE 39; [redacted] OMEGA SEVEN (OO:NY)

Attached for the Bureau is a copy of the recent decision of the U. S. District Court of Appeals, 2nd Circuit, New York relative to the affirmation of convictions of Omega [redacted]

The Court's comments in the very beginning and the end are noteworthy.

A copy is designated for the [redacted] at FBIHQ.

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ENCLOSURE

2 - Bureau
5 - New York
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BS 5-8-85

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Approved:

117 APR 3 1986

Transmitted

(Number)

(Time)

Per

1 LUMBARD, Circuit Judge:

2 [redacted] appeals from a judgment of conviction
3 in the Southern District on September 22, 1984, after a six-week
4 jury trial. The jury found [redacted] guilty on twenty-five counts,
5 including first degree murder of a diplomat; two conspiracies to
6 murder diplomats; malicious damage by explosives to property used
7 in commerce, with personal injury resulting; six counts of
8 possession of unregistered bombs; two counts of conspiracy; and
9 perjury before the Grand Jury. ^{1/} Judge Robert J. Ward
10 sentenced [redacted] on November 9, 1984, to serve consecutive
11 sentences of life imprisonment and thirty-five years'
12 imprisonment; [redacted] is presently serving these sentences.

13 [redacted] argues on appeal that (1) he is entitled to a new trial
14 on the murder-related counts of the indictment because of an
15 allegedly defective jury instruction on the defense of
16 withdrawal, (2) he was unfairly prejudiced by the joinder of
17 Count 21 of the indictment, which charged him with violating
18 RICO, and (3) the evidence was insufficient to convict him of
19 three of the counts of the indictment, relating to the bombing of
20 an Aeroflot Airlines ticket office in New York City. We find
21 that [redacted] arguments are entirely devoid of merit.

22 Although this lengthy record of the criminal
23 activities [redacted] of a terrorist group raises no questions
24 serious enough to require much discussion, the unusual nature and
25 extent of the activities merits a published account. [redacted]

26 [redacted] in a secret terrorist [redacted]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 84-1390

August Term 1985

Submitted: September 19, 1985 Decided: December 3, 1985

Docket No. 84-1390

UNITED STATES OF AMERICA,

Appellee,

-against-

EDUARDO AROCENA, a/k/a "Omar," "Napoleon,"
"Andres," "Alejandro Medina," "Victor,"

Defendant-Appellant.

Before: LUMBARD, OAKES, and NEWMAN, Circuit Judges.

Appeal from judgment of the District Court for the
Southern District of New York, Robert J. Ward, Judge,
convicting defendant, after a jury trial, of twenty-five
counts relating to various murders and bombings perpetrated
by defendant's terrorist organization.

Conviction affirmed.

MICHAEL L. TABAK, Assistant United
States Attorney, New York, N.Y.
(RUDOLPH W. GIULIANI, United States
Attorney for the Southern District of
New York, Stuart E. Abrams, Assistant
United States Attorney, New York,
N.Y., of counsel), for Appellee.

RICHARD B. LIND, ESQ., New York, N.Y.,
for Defendant-Appellant.

1 organization comprised of exiles and emigres dedicated to
2 overthrowing the Castro regime. This group, called "Omega 7,"
3 sought to carry out their mission through bombings and murders,
4 crimes that they financed by assisting drug traffickers and
5 through extortion. The Omega 7 activities were directed
6 primarily [redacted]

7 [redacted]
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10 [redacted]
11 [redacted] by the testimony of eighty-five witnesses, and by
12 other physical and forensic evidence.

13 From 1975 to 1982, Omega 7 conducted a series of
14 bombings in the New York metropolitan area that injured
15 bystanders and damaged homes, businesses, and a church. The
16 bombsites included Avery Fisher Hall, Madison Square Garden, JFK
17 Airport, the ticket office of Aeroflot (the Soviet airline), and
18 the Cuban Mission to the United Nations. Omega 7 also engineered
19 the machine-gun murders of Cuban exile Eulalio Jose Negrin and
20 Felix Garcia, a Cuban diplomat, and attempted a car-bombing
21 murder [redacted]

22 The FBI's first clue regarding the identities of the
23 Omega 7 members came in 1980 when, within hours of an attempted
24 bombing at the Cuban Consulate in Montreal, two Cuban exiles --
25 [redacted] -- were caught attempting to run
26 the border back into the United States. The FBI knew [redacted] an

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1 anti-Castro demonstrator from Miami. Upon investigation of
2 [redacted]
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7 The FBI discovered that [redacted] had rented
8 cars at Newark Airport shortly before certain Omega 7 crimes, and
9 that one of [redacted] cars had received a parking ticket across
10 from the Cuban Mission on the day that Omega 7 murdered diplomat
11 Felix Garcia. [redacted]
12 [redacted]
13 [redacted]

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14 In September, 1981, Omega 7 bombed the Mexican
15 Consulate in Manhattan. [redacted] had rented a car at Newark
16 Airport and had exchanged it shortly after the bombing, claiming
17 that its brakes were defective. The FBI staked out the rental
18 booth and saw [redacted] return the replacement car and board the
19 shuttle bus for the terminal. An FBI agent saw [redacted] approach
20 the ticket counter at Eastern Airlines and identify himself as
21 [redacted] the alias used on his ticket.
22 [redacted]

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23 were subpoenaed to testify before a Federal Grand Jury in the
24 Southern District. [redacted]
25 [redacted]
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12 The FBI apprehended [redacted] at his hideout in Miami's
13 "Little Havana" district on July 21, 1983. [redacted] apartment
14 contained an arsenal of unregistered and illegal weapons,
15 including machine guns with silencers, semi-automatic pistols
16 with silencers, rifles with silencers, and an assortment of
17 knives. The FBI also found bomb components, including thirteen
18 timing mechanisms used in the making of time-bombs, tools, and a
19 bomb-making manual. The apartment also contained the
20 remote-control transmitter that had been used in the attempt to
21 murder [redacted] and a variety of Omega 7 stickers,
22 stencils, and communiques. The search also revealed the wigs and
23 false beards that [redacted] had used to disguise his appearance
24 while a fugitive.

25 While incarcerated, [redacted] was unable to make rental
26 payments on a large storage locker in Miami that he had rented

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1 under his alias [REDACTED] the
2 warehouse, obviously unable to contact [REDACTED] for back rent,
3 declared the locker abandoned and cut the lock. [REDACTED]

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4 [REDACTED] The
5 FBI agents found in the storage locker an AR-15 rifle with a
6 retractable stock and night scope, an Uzi semiautomatic weapon, a
7 .22 caliber Luger with a silencer and scope, and two
8 fragmentation grenades. The locker also contained Omega 7
9 stickers, newspaper articles about Omega 7 crimes, bomb manuals,
10 surveillance files, and the list of persons who owed money to
[REDACTED] All of the above was entered into evidence at
11 [REDACTED] trial.

12 The trial evidence also included testimony from four of
13 [REDACTED] criminal associates. Drug-dealer [REDACTED]
14 testified about the collection activities that Omega 7 performed
15 for him, and about his hiring [REDACTED] to kill [REDACTED] the
16 drug associate who had shot and robbed [REDACTED]. This murder
17 could not be consummated because [REDACTED] was discovered to be in
18 jail. [REDACTED] testified that Omega 7 had agreed to murder
19 another of his enemies, and had helped [REDACTED] escape when the
20 police surrounded his house in 1982. According to [REDACTED]

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21 [REDACTED] personally had leaned on several drug customers who owed
22 [REDACTED] money, and Omega 7 had been paid a total of \$150,000
23 for these services. Although [REDACTED] never managed to pass on to
24 [REDACTED] any of the money owed him, he did give [REDACTED] two
25 machine guns with silencers. [REDACTED] also testified that, to

1 prove he was [REDACTED] of Omega 7, [REDACTED] had
2 notified [REDACTED] before one of the Omega 7 bomb attacks;
3 [REDACTED] had used the code words "[T]here [is] going to be a
4 party." Finally [REDACTED] discussed with [REDACTED] details of
5 the Negrin and Garcia murders.
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 [REDACTED] The jury also heard the testimony
11 of [REDACTED], an Omega 7 member, who admitted that he had
12 been responsible for [REDACTED] in Miami with
13 a bomb [REDACTED] had made, and that [REDACTED] had been happy with the
14 amount of damage the explosion had caused. [REDACTED] also testified
15 that [REDACTED] in September, 1982, [REDACTED]
16 [REDACTED] in Miami on the day [REDACTED] was to appear
17 before the Southern District Grand Jury. [REDACTED] had helped
18 [REDACTED] go into hiding, had perjured himself before the Grand
19 Jury in 1983, and had relayed to [REDACTED] the questions asked
20 before the Grand Jury.

21 Finally, the Government presented the testimony of
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 [REDACTED] in 1982, [REDACTED]
26 [REDACTED] in Miami while [REDACTED] testified before

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1 the Grand Jury, and was later thanked by [redacted] He also
2 perjured himself before the Grand Jury to protect [redacted]

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3 The defense consisted entirely of [redacted]

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20 [redacted] argues on appeal that he is entitled to a new
21 trial on the murder-related counts of the indictment because of
22 an allegedly defective jury instruction on the defense of
23 withdrawal. Judge Ward's withdrawal charge, which applied to the
24 Garcia murder,^{2/} essentially specified that a defendant must
25 be acquitted of a conspiracy or crime if he withdraws from the
26 conspiracy or crime before it is committed, and that the

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1 defendant "must act affirmatively to defeat or disavow the
2 purpose of the conspiracy in order to withdraw from the
3 conspiracy or crime." [redacted] argument on the withdrawal
4 charge is without merit.

5 First, [redacted] has waived appellate review of this
6 claim, because he never asked the district court to give any
7 instruction on withdrawal and he failed to object to the charge
8 that the court gave. See Fed. R. Crim. P. 30; United States v.
9 Wilkinson, 754 F.2d 1427, 1432 (2d Cir. 1985). It is evident
10 that [redacted] failed to request a charge on withdrawal or to
11 object to the charge given because his defense throughout trial
12 was that he had never had anything to do with Omega 7, and was
13 merely caught in an elaborate frame-up. Judge Ward nonetheless
14 instructed the jury that they could acquit if they found that
15 [redacted] had "withdrawn" from the conspiracy to murder Garcia;
16 their guilty verdict demonstrated their belief that [redacted] had
17 not, in fact, done so. Second, Judge Ward's instruction on
18 withdrawal was entirely correct, and certainly did not constitute
19 "plain error." See Fed. R. Crim. P. 52(b); United States v.
20 Frady, 456 U.S. 152, 163 (1982).

21 [redacted] also claims that he was unfairly prejudiced by
22 the joinder of Count 21 of the indictment with the remaining
23 counts of the indictment. Count 21 charged [redacted] with
24 violating RICO. It alleged that, in conducting the affairs of
25 Omega 7, [redacted] and his co-racketeers conspired to commit
26 murder, arson (including bombings), as well as other crimes.

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1 including extortion and dealings relating to narcotics, by which
2 they could finance their terrorist activities.

3 According to Fed. R. Crim. P. 8, felony counts may be
4 charged together if they "are of the same or similar character or
5 [are based] on two or more acts or transactions connected
6 together or constituting parts of a common scheme or plan." The
7 RICO count clearly satisfied all three of these alternative tests
8 for the propriety of joinder. It listed as predicate acts
9 conspiracies to bomb the Mexican Consulates in New York and
10 Miami, as well as several other targets. These acts were similar
11 in character to bombing conspiracies charged in Counts 1 and 8 of
12 the indictment, and substantive bombing acts charged in three
13 other Counts. Moreover, because the bombing of the Mexican
14 Consulate in Manhattan was both a predicate of the RICO Count and
15 was the subject of Counts 22 and 24, the counts were properly
16 joined as arising out of the same series of transactions. See
17 United States v. DePalma, 461 F. Supp. 778, 787-90 (S.D.N.Y.
18 4/
19 1978). Finally, the acts of violence that comprised the
20 RICO count were part of a common scheme and plan that encompassed
21 all the other violent acts charged in the indictment. See, e.g.,
22 United States v. Gordon, 655 F.2d 478, 484-85 (2d Cir. 1981).

23 [redacted] claim that the joinder of Count 21 to the
24 remaining counts in the indictment violated Fed. R. Crim. P. 14
25 is also meritless. A motion for severance under Rule 14 is
26 addressed to the discretion of the trial court, see Opper v.
United States, 348 U.S 84, 95 (1954), and the sound exercise of

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1 that discretion is "virtually unreviewable," see United States v.
2 Sotomayor, 592 F.2d 1219, 1228 (2d Cir.), cert. denied, 442 U.S.
3 919 (1979). It is obvious that the district court properly
4 exercised its discretion by refusing to sever Count 21. ^{5/}

5 [redacted] final contention is that the evidence on
6 Counts 9, 19, and 20 was insufficient. Counts 19 and 20 charged
7 [redacted] with aiding and abetting the bombing of the Aeroflot
8 Airlines office in Manhattan, and aiding and abetting the receipt
9 of the bomb used to destroy that office. Count 9 charged [redacted]
10 with bombing, or aiding and abetting the bombing of, the Cuban
11 Mission to the United States in December, 1978. Because the
12 evidence on all three counts was more than sufficient to justify
13 the jury's verdict, [redacted] claims must fail.

14 With respect to Counts 19 and 20, the jury heard that
15 [redacted]

16 [redacted] These admissions were corroborated by
17 the testimony of a bystander witness. With respect to Count 9,
18 the evidence again was sufficient. The jury heard that the Cuban
19 Mission was bombed on the same night as was Avery Fisher Hall,
20 and an anonymous caller to WCBS-AM Radio that night had linked
21 the two bombings and said they both were the work of Omega 7. [redacted]
22 [redacted]

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1 [redacted] as well as by the expert testimony of an FBI
2 bomb expert, who linked manuals found in [redacted] locker to the
3 type of bomb mechanisms found in the debris of the Cuban
4 Mission. Thus, [redacted] fails to meet the "very heavy burden"
5 necessary to prevail on a claim of the insufficiency of the
6 evidence. See, e.g.; United States v. Carson, 702 F.2d 351, 361
7 (2d Cir.), cert. denied, 462 U.S. 1108 (1983).

8 Overall, the Government's case against [redacted]
9 was overwhelming and impressive. [redacted]

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10 [redacted]
11 combined with the copious physical evidence against him and the
12 testimony of eighty-five witnesses, piece together the details of
13 a terrorist campaign shocking in its ferocity and persistence.

14 Affirmed.

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FOOTNOTES

1. The jury acquitted on Count 10, which charged
2 [redacted] with interstate transportation of explosives resulting in
3 personal injury. After the trial and sentencing in the Southern
4 District [redacted] was tried and convicted in the Southern
5 District of Florida on all counts in two indictments, charging
6 other crimes. On May 6, 1985, [redacted] was sentenced to terms
7 aggregating twenty years' imprisonment, to run consecutive to the
8 terms imposed by Judge Ward.

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9. [redacted] asserts that the allegedly erroneous
10 "withdrawal" charge should invalidate his conviction on Counts 1
11 (conspiracy to murder [redacted] 2 (attempt to murder [redacted]
12 6 (conspiracy to murder attache Felix Garcia), and 7
13 (first-degree murder of Garcia). The challenged "withdrawal"
14 charge applied, however, only to counts relating to the Garcia
15 murder, a fact that [redacted] brief obscures. With respect to
16 the attempted murder of [redacted] claimed that he could have
17 detonated the bomb even after it fell off the limousine, but
18 decided not to for fear of harming children in a nearby parochial
19 school. Accordingly, the charge as to the [redacted] counts included a
20 discussion of "abandonment" or "renunciation," which was quite
21 proper, and which the jury rejected.

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3. [redacted] alleged "withdrawal" from the conspiracy
1 to murder Garcia, [redacted]

2 [redacted]
3 discussed more fully supra. [redacted] also contends that the
4 allegedly defective withdrawal instruction warrants a new trial
5 on Count 7, which charged him with aiding and abetting Garcia's
6 murder. This claim is meritless, because withdrawal is not a
7 defense to the substantive crime of aiding and abetting a murder.

8 See United States v. Read, 658 F.2d 1225, 1239-40 (7th Cir.
9 1981).

10 4. [redacted] attempts to avoid this reasoning by
11 creating a dichotomy between so-called "New York" and "Miami"
12 conspiracies. The proof at trial demonstrated, however, that
13 Omega 7 was a national operation, and therefore [redacted]
14 attempted distinction has no merit.

15 5. [redacted] does not contend that it was per se
16 erroneous to join the RICO count with other conspiracy counts.
17 Nor does he contend that his consecutive sentences for the RICO
18 count and the other conspiracy counts constitute cumulative
19 punishment. See, e.g., United States v. Thomas, 757 F.2d 1359
20 (2d Cir.) (denying a similar challenge to consecutive sentences),
21 cert. denied, 106 S. Ct. 66 (1985).

22

23

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FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-19-2017 BY [redacted] ADG

b6
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TRANSMIT VIA:

- Teletype
- Facsimile
- XX AIRTEL

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 12/6/85b3
b7E

TO: DIRECTOR, FBI

FROM: SAC, MIAMI [redacted] (185A-140) (C-4) (P)

OMEGA 7:
MAJOR CASE #39;
[redacted] OMEGA 7
(OO: NEW YORK)

GARMUR;
PFO - MURDER
(OO: NEW YORK)
NEW YORK FILE: 185A-1009

INDEX
PD 302
PG-1

b3
b7E

Re New York teletype to Bureau dated 11/2/85.

Enclosed for New York are the original and one copy of FD-302 containing results of interview [redacted]

b7D

Enclosed for the Bureau and other receiving offices is one copy each of aforesaid FD-302.

Bureau (Enc. 1)

2 - New York (Enc. 2)

2 - Newark (Enc. 1)

1 - New Haven (Info) (Enc. 1)

2 - Miami [redacted]

(1 - 185A-140)

GRK/jky

(9)

3 DEC 18 1985

b3
b7Eb3
b6
b7C
b7EApproved: _____ Transmitted _____
(Number) (Time) Per [redacted]

117 APR 15 1986

MAR 6 1986
OK

UNRECORDED FILED IN 185-1426-1

RECEIVED
FBI CHICAGO UNIT

14 DEC 1985 25Z

CHICAGO FIELD OFFICE

FORMS.TEXT HAS 1 DOCUMENT

INBOX.1 (#9662)

TEXT:

Q000035 348 1344

PP HQ NY MM NK SJ WF

DE CG

P14 1344Z DEC 85

FM CHICAGO (185A-257) (P) (SQ, -5B)

TO DIRECTOR PRIORITY

NEW YORK (185A-1009) PRIORITY

MIAMI ROUTINE

NEWARK ROUTINE

SAN JUAN ROUTINE

WASHINGTON FIELD OFFICE ROUTINE

BT

UNCLAS

OMEGA 7; MAJOR CASE 39; [redacted]

-OMEGA 7;

b3
b7E

OO: NEW YORK [redacted]

OO: NEW YORK (CG 185A-257) (NY 185A-1009). [redacted]

185-14
UNRECORDED

RE NEW YORK TELETYPE TO DIRECTOR AND RECIPIENTS,

DATED NOVEMBER 26, 1985, AND DECEMBER 10, 1985.

FOR INFORMATION OF NEW YORK, [redacted]

b7D

IS NO LONGER OPERATIONAL; HOWEVER, CHICAGO WILL CONTACT

FORMER SOURCE UNDER CARMUR CARTION IN AN EFFORT TO DETERMINE

WHETHER SOURCE CAN PROVIDE ADDITIONAL INFORMATION

RJW/BS

115 MARY 3 1986

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12-27-1985

PAGE TWO

CG 185A-496

UNCLAS

RELATIVE TO [REDACTED] AND THE IDENTITIES OF "VISITORS"
ALLEGEDLY IN CONTACT WITH ORLANDO BOSCH IN 1980, AND
ADVISE NEW YORK OFFICE OF THE RESULTS.

BT

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Airtel

12/23/85

Director, FBI

SAC, New York [redacted]

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OMEGA7
MAJOR CASE #39:
[redacted]

b3
b7E

OO: NY

Re New York teletype to Bureau dated 12/11/85.

Being forwarded to New York under separate cover are two copies of Investigative Support Information System (ISIS) listings. This listing contains the results [redacted]

b3
b7E

b3
b7E

✓ 1 - New York (Package Copy)
GML:pdm (6)

Inv.
Adm.
LES

Pam

3 DEC 30 1985

11 MAR 11 1985

MAIL ROOM

case
[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-19-2017 BY [redacted]

ADG ec. AD-Adm.
ADG ec. AD-inv.
ADG Exec. Ad-Leg.
Post. Dir.:
Ass't. Secy.
Crim. Inv. [initials]
Ident. _____
Intelligence _____
Intell. _____
Laboratory _____
Leg. & Com. _____
Mgmt. & Dev. _____
C/Pers. & Fin. _____
Proc. Mgmt. _____
Tech. Servs. _____
Training _____
Telephone Rm. _____
Director's Spec'ns _____

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RECEIVED
TELETYPE UNIT

NEW MAIL JUST ARRIVED: INBOX.205
FORMS. TEXT HAS 1 DOCUMENT

12 DEC 85 19 13

FEDERAL BUREAU
OF INVESTIGATION

INBOX.1 (#9035)

TEXT:

VZCZCNY0125

PP HQ MM NK

DE NY #0125 3442237

ZNY UUUUU

R 102152Z DEC 85

FM FBI NEW YORK [redacted]

TO DIRECTOR FBI ROUTINE

FBI MIAMI PRIORITY

FBI NEWARK PRIORITY

BT

UNCLAS

OMEGA 7; MAJOR CASE 39; [redacted]

- OMEGA 7; OO:NEW

YORK.

GARMUR; PFO-MURDER; OO:NEW YORK.

WIRELESS COPY FILE 185-1

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FOR THE INFORMATION OF RECEIVING DIVISIONS, ON FRIDAY, DECEMBER
6, 1985, A HEARING WAS HELD AT THE SOUTHERN DISTRICT OF NEW YORK
(SDNY) RELATIVE TO COUNSEL FOR DEFENDANTS IN UPCOMING TRIAL.

JAN 7 1986

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11 APR 1986

FEB 7 1986

PAGE TWO DE NY 0125 UNCLAS

AT THIS TIME, ALL THREE DEFENDANTS, NAMELY [REDACTED]

[REDACTED] HAVE ACQUIRED ATTORNEYS TO REPRESENT THEM.

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ACCORDINGLY, UNITED STATES DISTRICT COURT JUDGE (USDCJ) ROBERT WARD, PRESIDING IN THIS MATTER, HAS ORDERED THAT DISCOVERY DEADLINE IS NOW SET FOR JANUARY 16, 1985 AND THAT ALL ITEMS ARE TO BE MADE AVAILABLE TO THE DEFENSE ATTORNEYS PRIOR TO THAT DATE.

MIAMI AND NEWARK DIVISIONS ARE REQUESTED TO FORWARD APPROPRIATE ITEMS PREVIOUSLY REQUESTED TO NEW YORK EXPEDITIOUSLY, INCLUDING SURVEILLANCE REPORTS, EVIDENCE FROM THE ALMACEN BOMBING IN NEWARK IN 1977, AND OTHER ITEMS WHICH HAVE BEEN REQUESTED OR WILL BE REQUESTED IN THE NEAR FUTURE.

AT THIS TIME, WITH THE EXCEPTION OF SOME MINOR ITEMS, NEW YORK IS IN CONTROL OF MOST OF THE EVIDENCE TO BE UTILIZED AT THE UPCOMING TRIAL.

NO TRIAL DATE SCHEDULED AS OF YET AND IT IS NOW ANTICIPATED IT COULD BE FEBRUARY, 1986.

PAGE THREE DE NY 0125 UNCLAS

ARMED AND DANGEROUS.

BT

#0125

NNNN

-->

Airtel

1/14/86

Director, FBI

ADIC, New York [redacted] (185-1009)
(Attn: SA [redacted])

OMEGA 7; MAJOR CASE #39; [redacted]
GARMUR; PFO-MURDER

OO: NY

Re New York airtel to SA [redacted] Technical Services
Division (TSD), from SA [redacted] New York.

Being forwarded to New York under separate cover is one box containing
three copies each of the [redacted] Records previously
missing are included.

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UNRECORDED COPY FILED IN
1/14/86

MAILED TO
135-223308
JAN 14 1986

1 - New York (Package Copy)
JRK:pdm (6)

Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Insp. _____
 Intell. _____
 Lab. _____
 Legal Coun. _____
 Off. Cong. &
 Public Affs. _____
 Rec. Mgmt. _____
 Tech. Servs. _____
 Training _____
Telephone Rm. _____
Director's Sec'y _____



JAN 22 1986
FEB 19 1986 XEROX
08 APR 1986 - 1980
MAIL ROOM

b3
b7E

2/14

041

MESSAGE RELAY VIA TELETYPE
(RESTRICTED USE)

Date: _____

PRECEDENCE: IMMEDIATE PRIORITY ROUTINE

FM: DIRECTOR, FBI

TO: BEGATS, Bern, Hong Kong, LONDON, BOGOTA,
Montevideo, Mexico City, PARIS, OTAWAb3
b7E

BT

Classification: UNCLAS

Addressee Internal Distribution

For: _____

b3
b7E

Subject: _____

MAR 4 1986

 See, AttachedApproved By: JESOriginalator:

Tele Ext:

7660

Room/Div.:

7255-4

b6
b7CFEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS CENTER

2350243

MAR 6 1986

FEB 15 1986

108 MAR 27 1986

USE AND PREPARATION OF FORM 0-73

Restrictions on Use

1. Only incoming teletype messages within the categories listed in MIOG Section 16-1.7 pages 1251 & 1252 may be prepared using form 0-73.
2. Use of Form 0-73 is restricted to incoming teletype messages received at FBIHQ Communications Center within the last 72 hours.
3. Addressees must be Bureau Offices (LEGAT/Field) or other Government Agencies. **Geographical location must be indicated if other Government Agency is located outside the Washington, D.C. area.**
4. Editing of message text is restricted to typed or printed changes of a word or two. Changes to the existing text involving more than a word or two will require the originator to initiate a new message using Form 0-93. Administrative data may be added immediately following the text and must be identical for all addressees.
5. Teletype messages received by the Communications Center that do not meet the above criteria shall be returned to the originator for preparation using Form 0-93.

Preparation of 0-73 Form (Yellow)

1. **Date & Precedence** - Type or print date and indicate precedence by checking the appropriate box.
2. **Addressee(s)** - Type or print addressee(s) immediately following the "TO:" or place a check mark in the appropriate box. Note: When using block "Other," indicate geographical location if addressee(s) is located outside Washington, D.C. If addressee(s) is a military installation, the name of the base, fort, or station must be listed to ensure delivery.
3. **Classification** - Type or print the classification and if appropriate the caveat and warning notices.
4. **Addressee Internal Distribution** - Complete when the originator wishes the message to be distributed to a known entity within a Headquarters Agency (i.e. Division, Section, Unit, etc.). List the addressee(s) abbreviation and the internal distribution, i.e. a message to Dept. of State, Dept. of Justice, and Defense Intelligence Agency; list on the "For" line(s) as follows:
Example: For: DOS For SY/TAG; DOJ for Asst. AG Criminal Div.; DIA For DSOP.
Messages which do not list internal distribution shall be delivered to the agency headquarters where their analyst will effect in-house distribution.
5. **Subject** - Type or print the subject in the space provided or check "see attached" if subject is identical to attached message.
6. **Originator's Boxes** - Type or print the originator's name, telephone extension, room number, and division.
7. **Approved By Box** - Indicate approval for transmission by initialing the approved by box. Note: The person approving the message is solely responsible for assuring all necessary editing changes are accurate and are legible.

Preparation of Message To Be Transmitted

1. **Duplicate Copy & Notations** - Xerox 1 copy of the incoming teletype message. A notation shall be made on the original incoming teletype indicating one copy made for relay to SACS _____, (or LEGATS) _____ (or Government Agencies) _____.
2. **Editing of Duplicate Copy (Heading)** - Using a lead pencil ONLY draw single lines through the first and last lines of the message heading; connect these lines from top right to bottom left forming a "Z" figure. **(Do Not Obliterate the Heading)**.
3. **Editing Changes to the Text** - (See Restrictions on Use, item 4)
4. **Administrative Data** - Type or print administrative data immediately following the text.

NEW MAIL JUST ARRIVED: INBOX.160
FORMS.TEXT HAS 1 DOCUMENT

INBOX.3 (#1216)

TEXT: VZCZCNY0119

PP HQ AFO

DE NY #0119 0382016

ZNY UUUUU

R 071934Z FEB 86

FM FBI NEW YORK [redacted] (185-1009) (P) [redacted]

b3
b7E

TO DIRECTOR FBI PRIORITY

~~ALL FBI FIELD OFFICE PRIORITY~~

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b7C

BT

UNCLAS SECTION 1 OF 2

O OMEGA 7; MAJOR CASE 39; [redacted] OMEGA 7; (OO:NEW
YORK)

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GARMUR; PFO-MURDER; (OO:NEW YORK)

By teletype dated 2/12/86 FBI, New York advised:
ALL OFFICES DISCONTINUE ALL LEADS IN THIS INVESTIGATION AND
LEADS FOR UPCOMING TRIAL.

FOR THE INFORMATION OF THE BUREAU AND RECEIVING DIVISIONS, ON
THE MORNING OF THURSDAY, FEBRUARY 6, 1986, THE FOLLOWING EVENT

PAGE TWO DE NY 0119 UNCLAS SECTION 1 OF 2

TRANSPRIRED IN THE SOUTHERN DISTRICT OF NEW YORK (SDNY):

SUBJECTS [REDACTED]

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[REDACTED] PLED GUILTY TO COUNTS ONE AND FIVE OF A SIX-COUNT INDICTMENT CHARGING THEM WITH THE FIRST DEGREE MURDER OF A DIPLOMAT AND BOMBING RELATED CHARGES.

ALL THREE SUBJECTS PLED TO TWO COUNTS (ONE AND FIVE OF INDICTMENT) OF CONSPIRACY, COUNT ONE BEING CONSPIRACY TO MURDER

[REDACTED] IN MARCH, 1980, AND COUNT FIVE, CONSPIRACY TO BOMB AND DESTROY PROPERTY OF A FOREIGN GOVERNMENT, NAMELY THE CUBAN MISSION TO THE UNITED NATIONS, ON DECEMBER 7, 1979.

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IT IS NOTED BY NEW YORK THAT COUNT ONE, CONSPIRACY TO MURDER A FOREIGN OFFICIAL ORIGINALLY CARRIES A LIFE IN PRISON SENTENCE AND IS VIOLATION OF SECTION 1117 OF TITLE 18, UNITED STATES CODE. UNDER THE PLEA AGREEMENT WHICH HAS BEEN ACCEPTED BY THE GOVERNMENT, ALTHOUGH [REDACTED] AND OTHERS PLED TO A CONSPIRACY TO MURDER [REDACTED] THE ORIGINAL STATUTE CITED IN THE INDICTMENT WAS CHANGED TODAY TO A PLEA OF CONSPIRACY, TITLE 18, SECTION 371. AS A RESULT, THE MAXIMUM

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PAGE THREE DE NY 0119 UNCLAS SECTION 1 OF 2

SENTENCE FOR COUNT 1 IS FIVE YEARS AND NOT LIFE IN PRISON.

OTHER COUNTS IN THE INDICTMENT HAVE BEEN DISMISSED BY THE SOUTHERN DISTRICT OF NEW YORK (SDNY).

MAXIMUM TOTAL SENTENCE FOR ALL THREE SUBJECTS RELATIVE TO THE PLEA ABOVE OF TWO COUNTS OF THE INDICTMENT IS A TOTAL OF TEN YEARS APIECE, PLUS A \$20,000.00 FINE PER SUBJECT.

IN OPEN COURT TODAY, ALL THREE SUBJECTS ADMITTED CONSPIRING TO MURDER [REDACTED] IN ADDITION TO CONSPIRING AND ACTUALLY CARRYING OUT ONE OF THE BOMBINGS AGAINST THE CUBAN MISSION, NAMELY, THE BOMBING ON DECEMBER 7, 1979.

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FOR INFORMATION PURPOSES, [REDACTED]

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PAGE FOUR DE NY 0119 UNCLAS SECTION 1 OF 2

SENTENCING OF [REDACTED] AND THE OTHERS IS SET FOR MARCH 27, 1986,
AND GOVERNMENT WILL RECOMMEND THE MAXIMUM OF TEN YEARS FOR SUBJECTS,
TO BE CONSECUTIVE WITH TIME BEING SERVED.

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SUBJECTS HAVE NOT BEEN PROSECUTED FOR THE GARMUR INCIDENT AND THEY HAD NO DESIRE TO MAKE ANY PLEA RELATIVE TO FIRST DEGREE MURDER. AS PREVIOUSLY MENTIONED BY NEW YORK, CONVICTING THEM OF THAT CHARGE WOULD HAVE BEEN A TREMENDOUS DIFFICULT TASK, AND THERE WERE GREAT ODDS AGAINST WINNING THAT CASE.

AS A RESULT OF A CAREFUL ANALYSIS SUBSEQUENT TO THE INDICTMENT IN THIS MATTER OF THE OVERALL CASE, WITNESSES, ETC., IT WAS DECIDED BY NY TO ENTER THIS AGREEMENT WITH SUBJECTS.

AS RECIPIENTS ARE AWARE, [REDACTED] IN FACT, PROSECUTED FOR THE GARMUR INCIDENT, IN ADDITION TO CONSPIRACY TO MURDER [REDACTED] AND OTHER ACTUAL BOMBINGS. [REDACTED] WAS CONVICTED OF FIRST DEGREE MURDER RELATIVE TO THE GARMUR INCIDENT AND CONVICTED ON OTHER COUNTS AND IS CURRENTLY SERVING LIFE PLUS 55 YEARS AT LOMPAC PRISON IN CALIFORNIA. [REDACTED] WAS CONVICTED OF ADDITIONAL BOMBINGS

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PAGE FIVE DE NY 0119 UNCLAS SECTION 1 OF 2

IN A SECOND TRIAL IN MIAMI DIVISION.

OVER A PERIOD OF NEARLY 10 YEARS OF INVESTIGATION AND PROSECUTIVE EFFORTS, THIS INVESTIGATION HAS RESULTED IN APPROXIMATELY 16 SEPARATE PROSECUTIONS OF INDIVIDUALS CONNECTED WITH THIS TERRORIST GROUP, WHICH CHARGES RANGED FROM CRIMINAL CONTEMPT TO BOMBING AND FIRST DEGREE MURDER CHARGES.

THERE HAS NOT BEEN ANY BOMBINGS IN NY SINCE 1981, AND NO ADDITIONAL BOMBINGS BY OMEGA 7 OCCURRED AFTER 1983, WHEN [REDACTED]
[REDACTED] WAS ARRESTED.

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[REDACTED]
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IRONICALLY, ON THURSDAY, FEBRUARY 6, 1986, A SPANISH NEWSPAPER IN NY, "EL MUNDO", PRINTED A BLASTING ARTICLE REGARDING [REDACTED]

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PAGE SIX DE NY 0119 UNCLAS SECTION 1 OF 2

WHEREIN IT WAS POINTED OUT TO THE COMMUNITY THAT "EL MUNDO" WAS IN
POSSESSION OF TAPES AND TRANSCRIPTS IN EXISTENCE AND USED AT THE
TRIALS [REDACTED]

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[REDACTED]
APPARENTLY, THE EDITOR OF "EL MUNDO" NEWSPAPER REQUESTED AN
INTERVIEW [REDACTED] IT WAS THE INTENT OF
THE EDITOR TO OBTAIN [REDACTED]
[REDACTED]
[REDACTED]

THE ARTICLE ENDS WITH A COMMENT TO THE EFFECT THAT PERHAPS
[REDACTED] "IS NOT THE GLADIATOR WE ALL THOUGHT HIM TO BE."

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THE BUREAU IS REQUESTED TO DISSEMINATE CONTENTS OF THIS
TELETYPE TO LEGATS, BERN, HONG KONG, LONDON, BOGOTA, MONTEVIDEO,
MEXICO CITY, PARIS, AND OTTAWA, WHO HAVE CONDUCTED INVESTIGATION AND
WHO HAVE INTERESTS IN THE TRIAL WHICH WAS SCHEDULED IN THIS MATTER.

IF NOT ALREADY DONE, MIAMI DIVISION IS REQUESTED TO ASSUME
OFFICE OF ORIGIN ON 88- FUGITIVE CASE RELATIVE TO [REDACTED]

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BT

#0119

NEW MAIL JUST ARRIVED: INBOX.161
FORMS.TEXT HAS 1 DOCUMENT

INBOX.4 (#1217)

TEXT: VZCZCNY0120

PP HQ AFO

DE NY #0120 0382016

ZNY UUUUU

R 071934Z FEB 86

FM FBI NEW YORK [REDACTED] (185-1009) (P) [REDACTED]

b3
b7E

TO DIRECTOR FBI PRIORITY

ALL FBI FIELD OFFICES PRIORITY

BT

UNCLAS SECTION 2 OF 2

[REDACTED] HIS FAMILY AND PRIOR BUSINESS IS IN MIAMI DIVISION.

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LOS ANGELES DIVISION, AT SANTA MARIA RESIDENT AGENCY.

REQUESTED [REDACTED] FOR THE

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b7E

NEXT 30-DAY PERIOD AND THEREAFTER DISCONTINUE THIS ENDEAVOR.

NEW YORK DIVISION WILL REPORT RESULTS OF SENTENCING ON MARCH 27, 1986, AND WILL SUBSEQUENTLY SUBMIT A CLOSING COMMUNICATION RELATIVE TO THE OMEGA 7 INVESTIGATION. OBVIOUSLY, THE ACTIVITIES OF CUBAN EXILE ACTIVISTS IN RESPECTIVE DIVISIONS AND INVESTIGATIVE EFFORTS ARE LEFT TO THE DISCRETION OF THOSE FIELD OFFICES.

PAGE TWO DE NY 0120 UNCLAS SECTION 2 OF 2

THE UNTIRING EFFORTS OF ALL FIELD OFFICES OVER THE YEARS
INVOLVED IN ASPECTS OF THIS INVESTIGATION, ARE MOST APPRECIATED
WITH SPECIAL EMPHASIS TO CHICAGO, MIAMI AND NEWARK.

SPECIAL APPRECIATION IS ADDITIONALLY GIVEN TO LEGATS, BOGOTA,
MONTEVIDEO, PANAMA, MEXICO CITY AND OTTAWA FOR THEIR EFFORTS IN
TRACKING FOREIGN LEADS.

ARMED AND DANGEROUS.

BT

#0120

NNNN

-->

NEW MAIL JUST ARRIVED: INBOX.131
FORMS.TEXT HAS 1 DOCUMENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-19-2017 BY [REDACTED] ADG

b6
b7C

INBOX.42 (#9541)

TEXT: VZCZCNY0144

PP HQ LA MM NK CG SJ WFO

DE NY #0144 0152304

ZNY UUUUU

UR 151858Z JAN 86

FM FBI NEW YORK [REDACTED] (185-1009) (P) [REDACTED]

TO DIRECTOR FBI PRIORITY

FBI LOS ANGELES PRIORITY

ATTN: SANTA MARIA RESIDENT AGENCY

FBI MIAMI PRIORITY

FBI NEWARK PRIORITY

FBI CHICAGO ROUTINE

FBI SAN JUAN ROUTINE

FBI WASHINGTON FIELD ROUTINE

BT

UNCLAS SECTION 1 OF 2

OMEGA 7; MAJOR CASE 39; [REDACTED]

YORK).

GARMUR; PFO-MURDER; (OO:NEW YORK)

117 APR 16 1986

FEB 2 1986
XEROX

RECEIVED
TELETYPE UNIT

16 JAN 20 1986

OF 1 MARCH 1986

Exec. AD/Adm.
Exec. AD-Inv.
Exec. AD-LES
Asst. Dir.:
Adm. Sec's
Crim. Inv.
Ident.
Intell.
Loja
Legal Inv.
Off. C. Corp.
Op.
Rec. Inv.
Tech. Inv.
Tele.

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[REDACTED]

DE-303

DE-303

DE-303

OMEGA 7; (OO:NEW

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b3
b7E

11 JAN 23 1986

[REDACTED]

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UNRECORDED C
LED IN 185-1426

FOR THE INFORMATION OF BUREAU AND RECEIVING OFFICES, CURRENT
NEGOTIATIONS RELATIVE TO A POSSIBLE PLEA IN THIS MATTER, BY SUBJECTS
[REDACTED] ARE STILL ONGOING AND IT IS HOPEFUL
THAT A DECISION WILL BE REACHED BY FRIDAY, JANUARY 23, 1986, IN THIS
MATTER.

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FOR INFORMATION PURPOSES, [REDACTED]

b6
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b7E

b6
b7C
b7E

NY
Cuba

OF OTHER PRIME SIGNIFICANCE IS THE FACT THAT THERE ARE

b6
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b7E

[REDACTED] AS NEW YORK HAS PREVIOUSLY NOTED, [REDACTED] IS
BELIEVED TO PROBABLY BE KNOWN [REDACTED]
WHO IS CURRENTLY RESIDING IN THE MIAMI TERRITORY.

Male Fl

IF, IN FACT, [REDACTED] THERE ARE
DEFINITE [REDACTED] SUCH AS THE FOLLOWING:

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FORMS.TEXT HAS 1 DOCUMENT

INBOX.41 (#9540)

TEXT: VZCZCNY0145

PP HQ LA MM NK CG SJ WFO

DE NY #0145 0152304

ZNY UUUUU

R 151858Z JAN 86

FM FBI NEW YORK [REDACTED] (185-1009) (P) [REDACTED]

b3

b7E

TO DIRECTOR FBI PRIORITY

FBI LOS ANGELES PRIORITY

FBI MIAMI PRIORITY

FBI NEWARK PRIORITY

FBI CHICAGO ROUTINE

FBI SAN JUAN ROUTINE

FBI WASHINGTON FIELD ROUTINE

BT

UNCLAS SECTION 2 OF 2

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b7E

H

b6
b7C
b7E

AS RECIPIENTS ARE AWARE, [REDACTED] PLED TO BOMBING CHARGES b6
IN FLORIDA AND WAS TO TESTIFY AGAINST [REDACTED] AT HIS SECOND TRIAL IN b7C
MIAMI. [REDACTED] BASICALLY SABOTAGED HIS TESTIMONY PRIOR TO GOING ON
THE STAND AND NEVER TESTIFIED AT THAT TRIAL. HE IS SERVING
APPROXIMATELY THREE YEARS IN PRISON SUBSEQUENT TO A PLEA AGREEMENT.

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FOR THE INFORMATION OF THE LOS ANGELES DIVISION, [REDACTED]

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lca
cuba
ny

b6
b7C

[REDACTED] IS UNKNOWN IN THE OVERALL OMEGA 7 INVESTIGATION AND DID NOT SURFACE UNTIL [REDACTED] HE COULD BE ASSOCIATED WITH A CUBAN POLITICAL PRISONER ORGANIZATION; HOWEVER, THIS IS ONLY SPECULATION.

b6
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b7E

[REDACTED] ARE CURRENTLY BEING EXAMINED BY NEW YORK AND PERTINENT DETAILS WILL FOLLOW.

UNTIL FURTHER NOTICE, LOS ANGELES DIVISION REQUESTED TO FORWARD TAPES AND LETTERS TO NYO ON EXPEDITE BASIS.

ARMED AND DANGEROUS.

BT

#0145

NNNN

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1043

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MESSAGE RELAY VIA TELETYPE
(RESTRICTED USE)

Date: 1/3/86

PRECEDENCE:

 IMMEDIATE PRIORITY ROUTINE

FM: DIRECTOR, FBI

TO: New York

8-1-36

b3
b7E

UNRECORDED COPY FILED IN

185-1426

BT

Classification: DNCLAS EFTB**Addressee Internal Distribution**

For: _____

b3
b7E

Subject: _____

12 JAN 8 1986

 See AttachedApproved By: KL

<input type="checkbox"/> See Attached	<input type="checkbox"/>
Approved By: <u>KL</u>	<input type="checkbox"/>

Tele Ext.

4160

Room/Div.

4255-b

b6
b7C

108 MAR 27 1986
108 MAR 27 1986

JAN 5 1986
 02272a
 FEDERAL BUREAU OF INVESTIGATION
 COMMUNICATIONS SECTION
DO NOT FILE WITHOUT COMMUNICATIONS STAMP

RECEIVED
USE AND PREPARATION OF FORM 0-73

UNIT

Restrictions on Use

1. Only incoming teletype messages within the categories listed in MIOG Section 16-1.7 pages 1251 & 1252 may be prepared using form 0-73.
2. Use of Form 0-73 is restricted to incoming teletype messages received at FBIHQ Communications Center within the last 72 hours.
3. Addressees must be Bureau Offices (LEGAT/Field) or other Government Agencies. **Geographical location must be indicated if other Government Agency is located outside the Washington, D.C. area.**
4. Editing of message text is restricted to typed or printed changes of a word or two. Changes to the existing text involving more than a word or two will require the originator to initiate a new message using Form 0-93. Administrative data may be added immediately following the text and must be identical for all addressees.
5. Teletype messages received by the Communications Center that do not meet the above criteria shall be returned to the originator for preparation using Form 0-93.

Preparation of 0-73 Form (Yellow)

1. **Date & Precedence** - Type or print date and indicate precedence by checking the appropriate box.
2. **Addressee(s)** - Type or print addressee(s) immediately following the "TO:" or place a check mark in the appropriate box. Note: When using block "Other," indicate geographical location if addressee(s) is located outside Washington, D.C. If addressee(s) is a military installation, the name of the base, fort, or station must be listed to ensure delivery.
3. **Classification** - Type or print the classification and if appropriate the caveat and warning notices.
4. **Addressee Internal Distribution** - Complete when the originator wishes the message to be distributed to a known entity within a Headquarters Agency (i.e. Division, Section, Unit, etc.). List the addressee(s) abbreviation and the internal distribution, i.e. a message to Dept. of State, Dept. of Justice, and Defense Intelligence Agency; list on the "For" line(s) as follows:
Example: For: DOS For SY/TAG; DOJ for Asst. AG Criminal Div.; DIA For DSOP.
Messages which do not list internal distribution shall be delivered to the agency headquarters where their analyst will effect in-house distribution.
5. **Subject** - Type or print the subject in the space provided or check "see attached" if subject is identical to attached message.
6. **Originator's Boxes** - Type or print the originator's name, telephone extension, room number, and division.
7. **Approved By Box** - Indicate approval for transmission by initialing the approved by box. Note: The person approving the message is solely responsible for assuring all necessary editing changes are accurate and are legible.

Preparation of Message To Be Transmitted

1. **Duplicate Copy & Notations** - Xerox 1 copy of the incoming teletype message. A notation shall be made on the original incoming teletype indicating one copy made for relay to SACS _____, (or LEGATS) _____, (or Government Agencies) _____.
2. **Editing of Duplicate Copy (Heading)** - Using a lead pencil ONLY draw single lines through the first and last lines of the message heading; connect these lines from top right to bottom left forming a "Z" figure. (**Do Not Obliterate the Heading**)
3. **Editing Changes to the Text** - (See Restrictions on Use, item 4)
4. **Administrative Data** - Type or print administrative data immediately following the text.

100%

VZ0ZC011002 0021708

P 021632Z JAN 86

FM LEGAT OTTAWA (174A-69)(P)

TO DIRECTOR PRIORITY

BT

UNCLAS E F T O

OMEGA 7; MAJOR CASE 39; [redacted] OMEGA 7; OO: NEW YORK

GARMUR; PFO- MURDER; OO: NEW YORK

*By teletype dated 1/2/86 LEGAT, OTTAWA ADVISED.
REBUTEL NOVEMBER 27, 1985.*

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b7D

O-13
TO NEW YORK
1/2/86
[redacted]
[redacted]

2

b6
b7C

FORMS, TEXT, HAS 1 DOCUMENT

INBOX.21 (#11290)

TEXT: VZCZCNY0140

PP HQ CG MM NK SJ WFO.

DE NY #0140 3532408

ZNY UUUUU

R 192250Z DEC 85

FM FBI NEW YORK [redacted] (185-1009) (P) [redacted]

TO DIRECTOR FBI PRIORITY

FBI CHICAGO ROUTINE

FBI MIAMI ROUTINE

FBI NEWARK ROUTINE

FBI SAN JUAN ROUTINE

FBI WASHINGTON FIELD ROUTINE

BT

UNCLAS

OMEGA 7; MAJOR CASE 39; [redacted]

OMEGA 7 (OO:NEW YORK)

YORK).

GARMUR; PFO-MURDER; (OO:NEW YORK)

RENYTEL, DECEMBER 10, 1985

10 JAN 8 1986

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O-13
Bogota
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Mon/VIDED
10 MAR 1986
10 MAR 1986

12/23

WES
FEB 4 1986
XEROX

61

1/26-
RECORDED COPY FILE

PAGE TWO DE NY 0140 UNCLAS

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FROM RECORDS AVAILABLE, IT IS APPARENT THAT [REDACTED] WAS IN
CARACAS IN JULY, 1980.

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b6
b7C
b7D

b6
b7C
b7D

b6
b7C

[REDACTED]

AS SOME DIVISIONS MAY BE AWARE, [REDACTED] IS A KNOWN [REDACTED]
[REDACTED]

[REDACTED] FROM

PAPERS FOUND IN [REDACTED] BELONGINGS SUBSEQUENT TO HIS ADDRESS,
COUPLED WITH OTHER INFORMATION, IT IS APPARENT [REDACTED]

[REDACTED] AND THERE IS NO DOUBT THAT [REDACTED] KNEW EXACTLY
WHO [REDACTED] WAS.

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